

HOUSE BILL 158  
By Buck

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 9; Title 16; Title 17; Title 18; Title 37; Title 38; Title 39; Title 40; Title 41 and Title 67, relative to governmental affairs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

- (a) The Tennessee court information system (TnCIS) is hereby terminated.
- (b) Tennessee Code Annotated, Section 16-3-803, is amended by deleting subsection (h).
- (c) Tennessee Code Annotated, Section 16-3-809, is amended by deleting the section in its entirety.
- (d) Tennessee Code Annotated, Section 16-3-811, is amended by deleting the section in its entirety.
- (e) Tennessee Code Annotated, Section 18-1-105, is amended by deleting subsection (d).

SECTION 2.

- (a) The narcotics investigation division of the Tennessee bureau of investigation is hereby terminated.

(b) Tennessee Code Annotated, Section 38-6-101(a), is amended by deleting subdivision (2) and by substituting instead the following:

(2) The bureau shall be divided into two (2) divisions, the criminal investigation division and the forensic services division; and the director shall have full control over the activities of each division.

(c) Tennessee Code Annotated, Title 38, Chapter 6, is amended by deleting Part 2.

#### SECTION 3.

(a) Tennessee Code Annotated, Section 38-6-103(d)(1)(A), is amended by deleting the symbol and figures "\$20.00" and by substituting instead the following:

\$30.00

(b) Tennessee Code Annotated, Section 38-6-103(d)(1)(B), is amended by deleting the symbol and figures "\$17.50" and by substituting instead the following:

\$30.00

#### SECTION 4.

(a) Tennessee Code Annotated, Section 40-15-103, is amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) After the effective date of this act, upon applying for or otherwise initiating or consenting to pretrial diversion, the defendant shall be assessed a pretrial diversion application fee in the amount of fifty dollars (\$50.00). Such fee shall be collected by the clerk of the court and shall be deposited in the state general fund; however, the clerk may retain five percent (5%) of the fee collected for services rendered in receiving and handling the fee.

(b) Tennessee Code Annotated, Section 40-35-313(a)(1)(A), is amended by designating the current language as subitem "(i)" and by adding the following new language, to be designated as subitem "(ii)":

(ii) After the effective date of this act, prior to deferring proceedings as requested or consented to by the defendant pursuant to subitem (i) above and in addition to any fees imposed pursuant to subitem (i) above, the court shall assess the defendant a judicial diversion fee in the amount of fifty dollars (\$50.00). Such fee shall be collected by the clerk of the court and shall be deposited in the state general fund; however, the clerk may retain five percent (5%) of the fee collected for services rendered in receiving and handling the fee.

SECTION 5. Tennessee Code Annotated, Section 40-24-107(e), is amended by designating the current language as subdivision "(1)" and by adding the following new language, to be designated as subdivision "(2)":

(2) At the close of each fiscal year, the state treasurer shall determine whether moneys deposited to the criminal injuries compensation fund pursuant to state law exceeded claim payments for such fiscal year by more than two hundred thirty-two thousand dollars (\$232,000). In any year where such moneys exceed claim payments by at least two hundred thirty-two thousand dollars (\$232,000), the general assembly is authorized to appropriate from such excess moneys a sum not to exceed one hundred thirty-two thousand dollars (\$132,000) for the sole purpose of enabling the district attorneys general conference to continue domestic violence and drug enforcement positions previously funded by federal grants. To be effective, any such allocation by the general assembly for such purpose must be specifically authorized by the provisions of the general appropriations act.

SECTION 6. Tennessee Code Annotated, Title 67, Chapter 4, Part 6, is amended by adding the following language as a new, appropriately designated section:

Section 67-4-607.

(a) There is hereby levied a privilege tax on litigation of ten dollars (\$10) on each original proceeding in a juvenile court, as such court is defined in §37-1-102, when such court exercises the jurisdiction granted by title 37, chapter 1; and no other privilege tax on litigation shall be levied on any such proceeding and matters related thereto.

However, the provisions of this subsection do not apply to a proceeding in a court, which court exercises the jurisdiction granted by title 37, chapter 1, when the proceeding is brought pursuant to any jurisdiction other than that granted by title 37, chapter 1.

(b) The clerks of the various juvenile courts shall collect the privilege tax levied by subsection (a) in the manner provided in §67-4-603(a)(1) through (5), as may be applicable. Additionally, the clerks of such courts shall collect the tax when a juvenile is adjudicated or pleads delinquent, unruly or in violation of the prevention of youth access to tobacco act; however, if a parent, guardian or other legal custodian desires to file an unruly petition against a juvenile for whom he or she is legally responsible, then the clerk shall collect the tax upon commencement of the action. In an unruly or delinquent action, the tax may be assessed against the juvenile, parent, guardian or other legal custodian, as determined by the court.

(c) If a juvenile is adjudicated or pleads delinquent or unruly, is committed to the department of children's services and is liable for the privilege tax, then the clerk of the court shall certify to the commissioner of children's services if payment of the tax has not been made. If the department collects and manages any funds on behalf of the juvenile, then the department shall submit to the clerk of the court payment for the tax from the funds managed on behalf of the juvenile unless otherwise prohibited by law. The department shall not otherwise be responsible for the collection of the tax. The clerk shall report and pay over any tax so collected to the department of revenue in the same manner as provided for in parts 2 and 3 of this chapter.

(d) Notwithstanding the apportionment provisions of §67-4-606 to the contrary, except as otherwise specifically provided by §8-21-401(a)(6)(A)(v), all revenue derived from the privilege tax levied by subsection (a) shall be deposited in the state general fund, shall be placed in a special account earmarked for the Tennessee council of juvenile and family court judges and shall be annually appropriated by the general assembly exclusively for defrayal of the cost of such council.

SECTION 7. Tennessee Code Annotated, Section 8-21-401(a)(6)(A)(v), is amended by deleting the words "Clerks of courts of general sessions and" and by substituting instead the following:

Clerks of juvenile courts and clerks of courts of general sessions and

SECTION 8.

(a) Tennessee Code Annotated, Section 37-1-209, is amended by deleting the words "All moneys derived from" and by substituting instead the following:

Other than revenues collected pursuant to § 67-4-607, all moneys derived from

(b) Tennessee Code Annotated, Section 37-1-209, is further amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) Any portion of court costs or litigation costs, or both, which have not been paid within six (6) months after adjudication of the case may be collected as provided in §20-12-144.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect July 1, 2003, the public welfare requiring it.